

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FREDERICK E. LANDRIGAN

Index #: 07CIV8669  
(WCC)(MDF)

Plaintiff,

-against-

LEO R. KAYTES, JR., LEO KAYTES FORD, INC.,  
P.O. RON DONNATIN and THE TOWN OF WARWICK,

Defendants.  
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**RESPONSE TO  
PLAINTIFF'S REQUEST  
FOR INTERROGATORIES**

1. At the outset defendant P.O. Ron Donnatin objects to these interrogatories in their entirety as extremely overbroad and unduly burdensome. In addition, they repeatedly request information which is evidentiary in nature. Nevertheless, in an attempt to avoid unnecessary motion practice, the following responses are provided. These responses were prepared as a result of a meeting with Ron Donnatin, defendant in this action, and as well as a result of a review of defendant's file compiled to date in this litigation.
2. This defendant objects to interrogatory #2. Whether the plaintiff "stole" property and whether he had "intent" are legal conclusions which are within the province of this Honorable Court.
3. Objection. This interrogatory calls for information which is within the knowledge of the co-defendants Leo R. Kaytes, Jr. and Leo Kaytes Ford, Inc.
4. Objection. This interrogatory calls for information which is within the knowledge of the co-defendants Leo R. Kaytes, Jr. and Leo Kaytes Ford, Inc. Defendants have provided audio of conversation between Leo R. Kaytes, Jr. and P.O. Ron Donnatin.

5. This interrogatory calls for information which is within the direct knowledge and control of co-defendants Leo R. Kaytes, Jr. and Leo Kaytes Ford, Inc.

6. This interrogatory calls for information which is in the direct control of the Town of Warwick and the Town of Warwick Police Department. This defendant has served upon the Town of Warwick and the Town of Warwick Police Department a FOIL request requesting the file relating to the prosecution of Frederick E. Landrigan. Upon receipt of said file this defendant will provide plaintiffs with a copy for review.

7. See response to interrogatory request #6.

8. Interrogatory #8 calls for information which is in the custody of the Town of Warwick and the Town of Warwick Police Department. This defendant has forwarded to plaintiff's counsel audio recordings of conversations between defendant Donnatin and defendant Leo Kaytes Ford as well as conversations between defendant Donnatin and Assistant District Attorney Jamie Ferrara. To this date, defendant Donnatin is not in receipt of any audio recordings of conversations between plaintiff or any other party concerning plaintiff. We are in the process of determining whether any such conversations exist.

9. Interrogatory #9 calls for information that is objectionable and irrelevant to the case before this Court. However, notwithstanding and without waiving said objection the defendant Ron Donnatin recalls purchasing one vehicle from Leo Kaytes Ford in or about the year 2003. Officer Donnatin is in the process of searching for documents relative to that transaction.

10. Interrogatory #10 calls for information that is objectionable, outside the scope of relevant pertinent and proper discovery and as such this defendant objects. However, during a Rotary Club event, Ron Donnatin sought contribution for the "Tour

De Force" bicycle ride in an attempt to obtain donations for this post 9/11 charity bicycle ride seeking monies and donations ultimately provided to families who were affected by 9/11 and whose families have suffered losses in the death of loved ones in the line of duty.

11. Interrogatory #11 calls for the identities of each person Officer Donnatin intends to call at the time of the trial of this matter. At this point in the discovery of this action this defendant is unaware of all the individuals he intends to call. However, this defendant intends to call himself as a witness at the time of the trial of this matter. This interrogatory will be supplemented following the completion of discovery in this action.

12. Interrogatory #12 calls for information which requests the identity of each action, claim or complaint in which it has been alleged in the last five years that Officer Donnatin has violated anyone's rights under 42 U.S.C. Sec. 1983.

It has been alleged that Officer Donnatin violated the rights of Christine Costello on her own behalf and on behalf of her daughter Amber Costello, a minor under C.V. 06-5138 in the United States Federal District Court of the State of New York before Judge Robinson.

After counsel for P.O. Donnatin moved for summary judgment on behalf of Police Officer Donnatin the Federal Court held that Police Officer Ron Donnatin did not violate the Costello's Fourth Amendment rights to freedom from the use of excessive force. The United States Court of Appeals for the Second Circuit affirmed the decision of the Federal District Court for the Southern District of New York under CV 065138.

13. For further review of the file and documents relating to the file I direct plaintiff and plaintiff's counsel to the Federal Court, Southern District of New York.

DATED: White Plains, New York  
May 13, 2008



Yours, etc.,

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